



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ebertshauser

Serial No.: 09/751,199

Filed: January 2, 2001

For: METHOD, SYSTEM AND
PROGRAM PRODUCT FOR
MAINTAINING INFORMATION
REGARDING AN ITEM

: Art Unit:
:
: Examiner:
:
:
:

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE
ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED
PATENT APPLICATION**

Box DAC
Hon. Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 C.F.R. § 1.181, MPEP 711.03(c) II, and 1156 OG 53, Applicant hereby petitions to withdraw holding of abandonment based on failure to receive an office communication.

The present application was transferred by GE Appliances (GE) to Armstrong Teasdale LLP (AT) in connection with GE requesting that AT take over docketing responsibility. In reviewing the approximately 383 files transferred, it was discovered by status checks that this application and approximately 42 other applications that were believed to be pending actually had a status of abandoned. Specifically, through a telephone status check to the USPTO, Applicant learned that the above-identified application has been held to be abandoned. More particularly, in the telephone status check, Applicant learned that a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the USPTO to Applicant on February 16, 2001. The undersigned has examined Applicant's file regarding the subject application and the file does not include a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION nor a Notice Of

Abandonment. Additionally, attached is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

Applicant respectfully submits that Applicant's record is indicative of Applicant never receiving the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Accordingly, Applicant respectfully requests that the holding of abandonment be withdrawn. Specifically, Applicant requests that the signed declaration submitted herewith and the fee of \$130.00 under 37 C.F.R. § 1.16(e) submitted herewith be accepted and that the holding of abandonment be withdrawn. The foregoing request is consistent with 1156 OG 53 in that the request includes a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received, and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed is attached to and referenced in practitioner's statement.

Applicant believes that no fee is due for this petition and the Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$130.00 to deposit account 01-2384. If \$130.00 is not the correct fee, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicant hereby petitions to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the late filing fee under 37 C.F.R. § 1.16(e) to a deposit account is set forth below in Paragraph (4).

- (2) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (4).
- (3) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.

(4) Fees:

- | | | |
|----|-------------------------------------|--------------------|
| a. | Payment of the late filing fee | \$ 130.00 |
| b. | Petition fee
(37 C.F.R. 1.17(m)) | <u>\$ 1,280.00</u> |

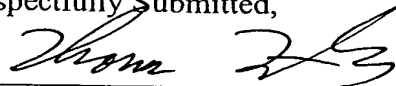
TOTAL FEES DUE: \$ 1,410.00

The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,410.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

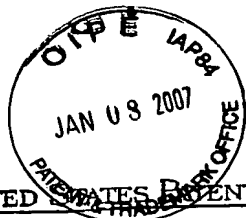
- (5) Enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.
- (6) Enclosed is a signed declaration of Timothy Michael Ebertshauser.
- (7) Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

For the reasons set forth above, Applicant respectfully requests that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,



Thomas M. Fisher, Reg. No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070



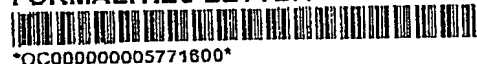
UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/751,199	01/02/2001	Tim Ebertshauser	9D-EC-19347-Ebertshauser

CONFIRMATION NO. 8539

FORMALITIES LETTER



OC000000005771600

 General Electric Company
 Appliance Park, 2-225
 Louisville, KY 40225

Date Mailed: 02/16/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$.130.

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

ATTORNEY OF RECORD <i>Tim E. Ebertson</i>		SERIAL NO. <i>09/75/199</i>		DOCKETED <i>9D-EC-19347</i>	
COMMITTEE RATING		FILED <i>11/2/01</i>		RECORDED <i>9/30/99</i>	
DEPT. CHARGED		DIV. NO.		REEL	
DEPT. OF ORIGIN		ALLOWED		RELATED DIV. OR CONT.	
BUS. ADDR. OF INV.(S)		ISSUED		G. E. CLASS NUMBER	
BONUS NOTIFICATION		SENT TO PATENT OFF.		FINAL FEE REQ.	
EXC'N DATE		FILING FEE REQ.			
INFO. TO IGE.					
ACTIONS		ACTIONS			
1 <i>Filing Receipt</i>		16			
2		17			
3		18			
4 <i>IDS sent 6/14/01</i>		19			
5		20			
6		21			
7		22			
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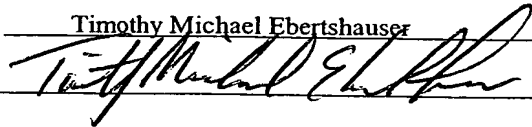
John S. Beulick
314-621-5070

DECLARATION AND POWER OF ATTORNEY	Attorney Docket No. 9D-EC-19347
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

SOLE OR FIRST INVENTOR:

Full Name: Timothy Michael Ebertshauser

Signature: 

Date: 7/22/2002

Residence: Milford, CT 06460

Citizenship: US

Post Office Address: 441 Acorn Lane, Milford, CT 06460



9D-EC-19347
PATENT

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: Art Unit:

: Examiner:

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**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER OF PATENTS AND TRADEMARKS**

Express Mail mailing label number: EV 130049504 US

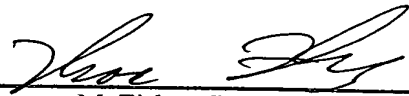
Date of Mailing: July 24, 2002

I certify that documents listed below:

- Petition For Withdrawal Of Holding Of Abandonment Or, In The Alternative, For Revival Of An Unintentionally Abandoned Patent Application (3 pages, *in duplicate*)
- Copy of Notice To File Missing Parts Of Nonprovisional Application (1 page)
- Declaration And Power Of Attorney of Timothy Michael Ebertshauser (2 pages)
- Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.
- Certificate of Mailing By Express Mail (1 page)
- Return Post Card

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231.

Respectfully Submitted,



Thomas M. Fisher, Reg. No. 47,564
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102
314-621-5070